

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

TRACIE CUMBUS,  
o.b.o K.D.W, a Minor,

Plaintiff,

Case No. 19-CV-12540

vs.

HON. MARK A. GOLDSMITH

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

/

**OPINION & ORDER**  
**GRANTING PETITION FOR ATTORNEY FEES (Dkt. 27)**

This matter is before the Court on Plaintiff's petition for an award of attorney fees under the Equal Access to Justice Act (EAJA) (Dkt. 27). On April 14, 2018, the underlying case was remanded under Sentence Four of Section 205 of the Social Security Act, 42 U.S.C. § 405(g) (Dkt. 25). A judgment was entered on that same day (Dkt. 26). Plaintiff now seeks to recover fees of \$6,483.30 and expenses of \$67.00, totaling \$6,550.30. Pet. at 5. Defendant filed a response, stating that he does not oppose an award of EAJA fees in this amount. Resp. at 1–2 (Dkt. 28).

Under the EAJA, the prevailing party in a civil action may recover fees and expenses incurred by the party in the action, so long as the court does not find that either (i) the Government was “substantially justified” in its administrative decision and its position in the subsequent federal action or (ii) “special circumstances” make an award unjust. 28 U.S.C. § 2412(d)(1)(A). Further, the amount of EAJA fees must be reasonable. Glass v. Sec. of HHS, 822 F.2d 19, 21 (6th Cir. 1987). Here, there is no dispute that Plaintiff was the prevailing party

in the underlying action. Further, Defendant does not argue that either the “substantially justified” exception or the “special circumstances” exception applies. Finally, Plaintiff has produced appropriate evidence to demonstrate that her fees and expenses total \$6,550.30, see Billing Entries (Dkt. 27-2); Schedule of Expenses (Dkt. 27-3); Summary of Requests (Dkt. 27-4) (showing Plaintiff’s attorney’s number of hours and hourly rate); Pl. Attorney Resume (Dkt. 27-5), and Defendant does not challenge the reasonableness of this amount.

Accordingly, Plaintiff’s petition requesting EAJA fees in the amount of \$6,550.30 (Dkt. 27) is granted.

SO ORDERED.

Dated: July 26, 2021  
Detroit, Michigan

s/Mark A. Goldsmith  
MARK A. GOLDSMITH  
United States District Judge

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on July 26, 2021.

s/Karri Sandusky  
Case Manager